

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Jimmie Craig Daniels,)	
)	
Petitioner,)	Civil Action No. 1:17-cv-1428-TLW
v.)	
)	
Krista M. Robertson and USPO, <i>et al.</i> ,)	
)	
Respondents.)	
_____)	

ORDER

Petitioner Jimmie Craig Daniels brought this action, *pro se*, pursuant to 28 U.S.C. § 2241 seeking habeas relief. ECF No. 1. This matter now comes before the Court for review of the Report and Recommendation filed by United States Magistrate Judge Shiva V. Hodges, to whom this case was previously assigned pursuant to 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02(B)(2), (D.S.C.). ECF No. 11. The Report recommends that this case be summarily dismissed. *Id.* Petitioner filed Objections to the Report, ECF No. 13, and this matter is now ripe for disposition

The Court is charged with conducting a *de novo* review of any portion of the Magistrate Judge's Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In conducting its review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case the Court

is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of the standard set forth in *Wallace*, the Court has carefully reviewed, *de novo*, the Report, the applicable law, the Objections, and the relevant filings. As noted in the Report, Petitioner has not presented a factual or legal basis to support that his petition satisfies the Savings Clause, and, therefore, his petition should be dismissed. Thus, for the reasons articulated by the Magistrate Judge, it is **ORDERED** that the Magistrate Judge's Report, ECF No. 11, is **ACCEPTED**, and Petitioner's Objections, ECF No. 13, are **OVERRULED**. The petition, ECF No. 1, is hereby **DISMISSED**.

IT IS SO ORDERED.

s/Terry L. Wooten
Senior United States District Judge

April 9, 2019
Columbia, South Carolina